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EXAMINER

KOENIG, ANDREW Y

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/894,431

Applicant(s)

NGUYEN ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,28,29 and 37-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,28,29 and 37-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 28, 29, 37-60 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 43 and 55 are objected to because of the following informalities:

Claim 43 recites the limitation "the remote control device" in line 1. There is insufficient antecedent basis for this limitation in the claim. For the rest of this office action, "the remote control device" will be treated as "the telephone."

Claim 55 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim 55 recites the same limitation as recited in the independent claim and consequently does not further limit the subject matter of a previous claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2611

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 59 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,040,829 to Croy et al. (Croy).

Regarding claim 59, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification receiving the alert signal indicative of the received message and providing notification to a user in response to the alert signal. Further, Croy teaches that the personal navigator having stereo control (col. 3, ll. 6-10), thereby equating to a portable stereo device.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 49-51, 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 5,410,326 to Goldstein and U.S. Patent 5,671,267 to August et al. (August).

Regarding claim 1, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed portable communication device), which receives information from the base station. Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy and Goldstein are silent on a portable communication device independent of the interactive television system to allow a third party to communicate with a user. In analogous art, August teaches a telephone that communicates with a telephone base station, which enables the user to receive incoming calls (col. 2, ll. 29-33, col. 2, ll. 46-55) and communicates independent of the interactive television system to allow a third party to communicate with a user (col. 6, ll. 52-57). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by as taught by implementing a portable communication device independent of the interactive television system to allow a third party to communicate with a user as taught by August in order to integrate the functionality of two devices into a single device and benefit of automatically muting or reducing the audio when the user goes off-hook in answering the telephone (col. 2-3, ll. 56-15).

Regarding claim 2, the combination of Croy, Goldstein, and August has been discussed in claim 1. The combination teaches the communications device comprises a telephone and a portable stereo device (August: fig. 3, col. 7, ll. 24-33).

Regarding claim 49, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy teaches the personal navigator using the telephone network such as with a modem (col. 3-4, ll. 53-64, col. 4, ll. 36-37), but is silent on a telephone per se. In analogous art, August teaches a telephone that communicates with a telephone base station, which enables the user to receive incoming calls (col. 2, ll. 29-33, col. 2, ll. 46-55) and communicates with an interactive television system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy implementing the device as a telephone as taught by August in order to integrate the functionality of two devices into a single device and benefit of automatically muting or reducing the audio when the user goes off-hook in answering the telephone (col. 2-3, ll. 56-15).

Regarding claim 50, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 51, Croy teaches that information being electronic mail (col. 9, ll. 19-30).

Regarding claim 54, the combination of Croy and August teaches a cordless telephone (August: col. 2, ll. 28-45).

Regarding claim 55, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40).

Regarding claim 56, Croy and August teach LCD displays and are silent on a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user

7. Claims 28 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 5,410,326 to Goldstein, U.S. Patent 6,081,830 to Schindler, and U.S. Patent 5,671,267 to August et al. (August).

Regarding claim 28, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. The personal navigator of Croy has a memory (fig. 2, label 222), which is a machine readable memory for storing instructions. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification.

Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message, but is silent on providing notification to a user in response to the alert signal without displaying the message. In analogous art, Goldstein teaches a mail icon along with providing notification to a user in response to the alert signal without displaying the mail message (fig. 4, label 80, col. 11, ll. 27-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Croy by providing an alert without displaying the message as taught by Goldstein in order to enable the user to select the message at the convenience of the user.

Croy and Goldstein are silent on a portable communication device independent of the interactive television system. In analogous art, August teaches a telephone that communicates with a telephone base station, which enables the user to receive incoming calls (col. 2, ll. 29-33, col. 2, ll. 46-55) and communicates independent of the interactive television system by allowing a third party to communicate with a user (col. 6, ll. 52-57). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by as taught by implementing a portable communication device independent of the interactive television as taught by August in order to integrate the functionality of multiple devices into a single device, thereby increasing the functionality of the single device.

Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Regarding claim 52, Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an

Art Unit: 2611

instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

8. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 6,081,830 to Schindler and U.S. Patent 5,671,267 to August et al. (August).

Regarding claim 29, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator (claimed notification device), which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification. Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy is silent on received information being an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by receiving instant

messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the user.

Croy and Schindler are silent on a allowing a user to engage in at least a two-way audio communication with a third party. In analogous art, August teaches a telephone that communicates with a telephone base station, which enables the user to receive incoming calls (col. 2, ll. 29-33, col. 2, ll. 46-55) and by allowing a third party to communicate with a user (col. 6, ll. 52-57), which equates to allowing a user to engage in at least a two-way audio communication with a third party. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by as taught by allowing a user to engage in at least a two-way audio communication with a third party as taught by August in order to integrate the functionality of multiple devices into a single device, thereby increasing the functionality of the single device.

9. Claims 37, 38, 41-43, and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 5,671,267 to August et al. (August).

Regarding claim 37, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. The personal navigator of Croy has a memory (fig. 2, label 222), which is a machine readable

Art Unit: 2611

memory for storing instructions. Croy teaches the personal navigator displaying a message immediately (col. 13, ll. 44-47), which reads on a receiver capable to receive the alert signal of the received message, and providing notification to a user in response to the alert signal in that Croy teaches that information being electronic mail (col. 9, ll. 19-30) and displays the message.

However, Croy teaches the personal navigator using the telephone network such as with a modem (col. 3-4, ll. 53-64, col. 4, ll. 36-37), but is silent on a telephone per se. In analogous art, August teaches a telephone that communicates with a telephone base station, which enables the user to receive incoming calls (col. 2, ll. 29-33, col. 2, ll. 46-55) and communicates with an interactive television system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy implementing the device as a telephone as taught by August in order to integrate the functionality of two devices into a single device and benefit of automatically muting or reducing the audio when the user goes off-hook in answering the telephone (col. 2-3, ll. 56-15).

Regarding claim 38, Croy teaches that information being electronic mail (col. 9, ll. 19-30)

Regarding claim 41, the combination of Croy and August teaches a cordless telephone (August: col. 2, ll. 28-45).

Regarding claim 42, Croy and August teach LCD displays and are silent on a light signal. Official Notice is taken that the use of a light signal is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 43, Croy and August teach LCD displays which displays messages in a specifically designated manner but are silent on a LED to provide the light signal. Official Notice is taken that the use of a light signal with an LED is well known in the art such as LEDs for showing that the device has power or messages. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and Goldstein by using a LED to provide the light signal in order to provide information to the user when the lighting is low thereby facilitating in conveying information to the user.

Regarding claim 46, Croy teaches a television (140) connected to the customer premise equipment (fig. 1), wherein a television is functionally capable of displaying the received message.

Regarding claim 47, Croy teaches a set top box as the customer premise equipment (col. 8, ll. 53-61).

Regarding claim 48, Croy and August teaches communicating via the telephone, which equates to a message that is incapable of being displayed.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 5,671,267 to August et al. (August) in view of U.S. Patent 5,677,895 to Mankovitz.

Regarding claim 40, Croy and August are silent on a cellular telephone. In analogous art, Mankovitz teaches using cellular phones as an alternative to a cordless phone (col. 14, ll. 34-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and August by using a cellular telephone as taught by Mankovitz in order to reduce the need for a base station in that the system can directly connect via the cellular network.

11. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy), U.S. Patent 5,410,326 to Goldstein and U.S. Patent 5,671,267 to August et al. (August) in view of U.S. Patent 5,677,895 to Mankovitz.

Regarding claim 53, Croy and August are silent on a cellular telephone. In analogous art, Mankovitz teaches using cellular phones as an alternative to a cordless phone (col. 14, ll. 34-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and August by using a cellular telephone as taught by Mankovitz in order to reduce the need for a base station in that the system can directly connect via the cellular network.

12. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 5,671,267 to August et al. (August) in view of U.S. Patent 6,081,830 to Schindler.

Regarding claim 39, Croy teaches receiving a variety of information, such as personal messages (col. 9, ll. 4-34), but Croy and August are silent on the message including an instant message. Schindler teaches receiving instant messages in the form of a chat room conversation (col. 3, ll. 26-43), which reads on an instant. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy and August by receiving instant messages as taught by Schindler in order to enable a user easy access to chat rooms, thereby increasing the information available to the User.

13. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) and U.S. Patent 5,671,267 to August et al. (August) in view of U.S. Patent 6,313,887 to Gudorf.

Regarding claim 44, the combination of Croy and August teaches receiving the ringing signal (August: col. 2-3, ll. 64-2), but is silent on a sound signal. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 45, the combination of Croy and August teaches receiving the ringing signal (August: col. 2-3, ll. 64-2), but is silent on a vibration. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been

Art Unit: 2611

obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

14. Claims 57 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy), U.S. Patent 5,410,326 to Goldstein and U.S. Patent 5,671,267 to August et al. (August) in view of U.S. Patent 6,313,887 to Gudorf.

Regarding claim 57, the combination of Croy and August teaches receiving the ringing signal (August: col. 2-3, ll. 64-2), but is silent on a sound signal. Gudorf teaches an auditory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an auditory alert as taught by Gudorf in order to alter the user that a message has been received thereby enabling the user to react appropriately to the newly received message.

Regarding claim 58, the combination of Croy and August teaches receiving the ringing signal (August: col. 2-3, ll. 64-2), but is silent on a vibration. Gudorf teaches a vibratory alert from an alert device (col. 3, ll. 56-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by producing an vibratory alert as taught by Gudorf in order to alter the user that a

message has been received thereby enabling the user to react appropriately to the newly received message.

15. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,040,829 to Croy et al. (Croy) in view of U.S. Patent 6,313,887 to Gudorf.

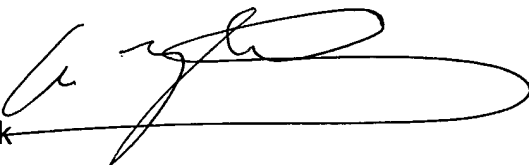
Regarding claim 60, Croy teaches a set-top box (claimed customer premise equipment) (col. 8, ll. 53-61) which receives information from the telephone network and cable provider (claimed data communication network) (col. 8, ll. 33-52), and transmits the information to the remote control, a personal navigator, which receives information from the base station. Croy teaches displaying a message immediately (col. 13, ll. 44-47), which reads on an alert signal for notification receiving the alert signal indicative of the received message and providing notification to a user in response to the alert signal. Croy teaches that the personal navigator but is silent on a pager per se. In analogous art, Gudorf teaches a pager (col. 3, ll. 46-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Croy by using a pager as taught by Gudorf in order to diversify the network and employ more functionality into a single device while also encouraging user interactivity.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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